



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,887	02/09/2000	Keith R. Anderson	09372576021180-1.14	3184

7590 06/04/2002

KENNETH R. ALLEN
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

VANDERPUYE, KENNETH N

ART UNIT PAPER NUMBER

2661

DATE MAILED: 06/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/500,887

Applicant(s)

ANDERSON ET AL.

Examiner

Kenneth N Vanderpuye

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- ☐ Interview Summary (PTO-413) Paper No(s). ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Art Unit: 2661

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what is meant by physical security data.

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15-18, 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al.(5,892,912).

Claim 20 is rejected because Suzuki teaches an apparatus comprising:

a high speed backbone(ATM network)

Art Unit: 2661

a plurality of branching nodes connected to the high speed backbone(Fig. 1@11, 2, 13)

a plurality of communicating stations communicating over the backbone through the nodes, the nodes each housed in different buildings(Fig 1@21-25)

the plurality of branching nodes comprising a hub directly connected with the plurality of branching nodes and directly interconnecting the plurality of communicating stations in digital communication(Fig. 1, SW-Hub). What Suzuki fails to teach is the power concentrator it is well known in the art that the branching nodes require powering up. Hence official notice is taken that it would have been obvious to one of ordinary skill in the art to use a power concentrator for this purpose. The motivation being to enable powering of the communication system. Suzuki also fails to teach a home connection box having quick connect types for connecting a communication station with the hub, the connectors including network communication connector and a power connector for supplying power. Official notice is taken that the type connectors used for connecting a station to a hub is obvious as a matter of design choice. Also the power concentrator is necessary to power up the Hub.

Claims 15-16 are rejected because it would have been obvious that the hub has to be housed in some form of enclosure namely building and also require powering up.

Claims 17 is rejected because it is obvious to one of ordinary skill in the art that one would use a communication station from a residence.

Claim 18 is rejected because it would have been obvious that the nodes have to be housed in some form of enclosure.

Art Unit: 2661

Claim 21 is rejected because Suzuki teaches an apparatus comprising:

a high speed backbone(ATM network)

a plurality of branching nodes connected to the high speed backbone(Fig. 1@11, 2, 13)

a plurality of communicating stations communicating over the backbone through the nodes, the nodes each housed in different buildings(Fig 1@21-25)

a hub communicating with the high speed backbone and directly connected with the plurality of branching nodes and directly interconnecting the plurality of communicating stations in digital communication(Fig. 1, SW-Hub), What Suzuki fails to teach is the power concentrator it is well known in the art that the branching nodes require powering up. Hence official notice is taken that it would have been obvious to one of ordinary skill in the art to use a power concentrator for this purpose. The motivation being to enable powering of the communication system. Suzuki also fails to teach a home connection box having quick connect types for connecting a communication station with the hub, the connectors including network communication connector and a power connector for supplying power. Official notice is taken that the type connectors used for connecting a station to a hub is obvious as a matter of design choice. Also the power concentrator is necessary to power up the Hub. It would also have been obvious that the hub has to be housed in some form of enclosure namely buildings and also require powering up.

Art Unit: 2661

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Vanderpuye whose telephone number is (703) 308-7828. The examiner can normally be reached on M-F from 6:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms, can be reached on (703) -305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-9051.



Kenneth Vanderpuye

June 3, 2002